IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 465 of 2007 (M/B)

1. Sharwan Singh S/o Mani Singh.
2. Kuldeep Singh S/o Mani Singh.
3. Kulwant Singh S/o Mani Singh.
   Petitioners No. 1 to 3
   R/o Village Dudhala Dayal Wala @ Tatwala,
   P.S. Shyampur, District Haridwar.
4. Rishipal S/o Hardayal Singh,
   R/o Village Gandikhata,
   P.S. Shyampur, District Haridwar.
5. Chet Ram S/o Summan Singh,
   R/o Village Dudhala Dayal Wala @ Tatwala,
   P.S. Shyampur, District Haridwar. …….. Petitioners

Versus

1. State of Uttarakhand,
   through Senior Superintendent of Police,
   Haridwar, District Haridwar.
2. Station Officer,
   Police Station Shyampur,
   District Haridwar.
3. Jeet Singh S/o Late Rajendra Singh,
   R/o Village Dudhala Dayal Wala @ Tatwala,
   P.S. Shyampur, District Haridwar,
   At present R/o Village Bhungarni,
   Tehsil Paonta Sahib, P.S. Paonta Sahib,
   District Sirmour (H.P.) …….. Respondents

Mr. Parikshit Saini, Advocate for the petitioners.
Mr. Prabhakar Joshi, Brief Holder for respondents Nos. 1 & 2.
Mr. R.K.S. Verma, Advocate for respondent No. 3.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. Parikshit Saini, Advocate for the petitioners.

Mr. Prabhakar Joshi, Brief Holder for respondents Nos. 1 & 2.

Mr. R.K.S. Verma, Advocate for respondent No. 3.

They are heard on admission.

2. The petitioners have filed this writ petition for the following reliefs:

> "(i) a writ, order or direction in the nature of certiorari quashing the impugned FIR of case crime no. 28 of 2007 U/s 420, 467, 468, of IPC, Police Station – Shyam Pur, District Haridwar (contained as Annexure No. 1 to the writ petition).
>
> (ii) a writ, order or direction in the nature of mandamus commanding the respondents No. 1 & 2 not to harass the petitioners in view of the impugned FIR till the collection of any credible evidence against the petitioners and till the filing of the charge sheet.
>
> (iii) to pass a suitable writ, order or direction in favour of petitioner and against the respondents which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.
>
> (iv) to award the cost of the present writ petition to the petitioners."

3. The petitioners are seeking quashing of the First Information Report lodged by respondent No. 3 Jeet Singh leading to the registration of the case against the petitioners at Crime No. 28 of 2007 at Police Station Shyampur, District Haridwar for the alleged commission of the offences punishable under Sections 420, 467 and 468 of the I.P.C.

4. According to the First Information Report lodged by respondent No. 3 Jeet Singh, the petitioners are alleged to have forged a Will purported to have been of Late Rajendra Singh, father of respondent No. 3 Jeet Singh.

5. On due consideration of the submissions of the learned counsel for the parties; the contents of the First Information Report and the documents filed along with the writ petition, we are of the opinion that no case warranting quashing of the First Information Report and the case registered against the petitioners, in view of the dictum of the Apex Court in the case of **T. Vengama Naidu Vs. T. Dora Swamy Naidu & others** reported in **JT 2007(4) SC 240,** is made out.

6. We are refraining from commenting on the merits of the case lest it may adversely affect the petitioners' case at the trial, which the petitioners are yet to face.

7. The writ petition, therefore, is liable to be dismissed and is hereby dismissed summarily.

(J.C.S. Rawat, J.) 04.05.2007

(Rajeev Gupta, C.J.) 04.05.2007

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